

**COMMUNICABLE DISEASE PREVENTION AND
CONTROL ACT**

CHAPTER 255

S. B. No. 1064

AN ACT

relating to the prevention, reporting, and control of communicable diseases and to certain powers and duties of the Texas Board of Health, the commissioner of health, and the Texas Department of Health; defining offenses and providing penalties; repealing Article 4419, Revised Statutes; Chapter 41, Acts of the 42nd Legislature, Regular Session, 1931 (Article 4419a, Vernon's Texas Civil Statutes); Chapter 26, Acts of the 43rd Legislature, 1st Called Session, 1933 (Article 4419b, Vernon's Texas Civil Statutes); Article 4420, Revised Statutes; Chapter 2, Title 71, Revised Statutes (Articles 4448-4464); Rules 1-33 and Rules 58-76, Article 4477, Revised Statutes; and Article 4477d, Revised Statutes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The Communicable Disease Prevention and Control Act is adopted⁸ to read as follows:

"ARTICLE 1. GENERAL PROVISIONS

"Section 1.01. SHORT TITLE. This Act may be cited as the Communicable Disease Prevention and Control Act.

"Section 1.02. PURPOSE. The legislature recognizes that many of the public health laws of the state were enacted under public health conditions that are not relevant to contemporary society. It is the intent of the legislature to revise the laws pertaining to identifying, reporting, preventing, and controlling communicable disease or conditions that are injurious or threaten the health of the people of Texas. While the legislature recognizes that it is the duty of the state to protect the public

8. Vernon's Ann Civ.St. art 4419b-1

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health, the legislature also recognizes that it is the responsibility of each person to conduct himself responsibly to prevent and control communicable disease in this state.

"Section 1.03. CUMULATIVE EFFECT. This Act is cumulative of all other state or federal laws relating to the prevention and control of communicable disease.

"Section 1.04. DEFINITIONS. In this Act:

"(1) 'Board' means the Texas Board of Health.

"(2) 'Commissioner' means the commissioner of health.

"(3) 'Communicable disease' means an illness due to an infectious agent or its toxic products that arises through transmission of that agent or its products from a reservoir to a susceptible host, either directly, as from an infected person or animal, or indirectly through an intermediate plant or animal host, vector, or the inanimate environment.

"(4) 'Department' means the Texas Department of Health.

"(5) 'Health authority' means a physician designated to administer state and local laws relating to public health.

"(6) 'Health professional' means an individual whose vocation or profession is indirectly or directly related to the maintenance of the health status of another individual or animal and whose duties require a specified amount of formal education together with, in many instances, a special examination, certificate or license, and membership in regional or national associations.

"(7) 'Person' means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or other legal entity.

"(8) 'Reportable disease' means a disease or condition for which the board requires a report.

"(9) 'School authority' means the superintendent of a public school system or the superintendent's designee and the principal or

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other chief administrative officer of a private school located in the state.

"ARTICLE 2. GENERAL DUTIES AND POWERS

"Section 2.01. COMMISSIONER. The commissioner is responsible for the general statewide administration of this Act.

"Section 2.02. BOARD. (a) The board may adopt rules necessary for the effective administration and implementation of this Act.

"(b) The board shall determine which diseases, either directly or indirectly through their complications, constitute threatening risks to the public health, and the department shall provide regular reports of the incidence, prevalence, and medical and economic effects of those diseases.

"(c) The board has the general supervision and general control over all matters pertaining to protecting the health of all individuals within the state and shall exercise those powers to prevent the introduction of disease into the state and to impose control measures to prevent the spread of disease in the state.

"(d) Except as otherwise required by law, whenever this Act grants a power or imposes a duty on the board, the power may be exercised or the duty performed by a designee of the board.

"Section 2.03. DEPARTMENT. (a) The department may enter into contracts or agreements with persons necessary to implement this Act. The contracts or agreements may provide for payment by the state for materials, equipment, and services.

"(b) The department may seek, receive, and expend any funds received through appropriations, grants, donations, or contributions from public or private sources for the purposes of identifying, reporting, preventing, or controlling those communicable diseases or conditions that have been determined to be injurious or to be a threat to the public health, subject to any limitations or conditions prescribed by the legislature.

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"(c) Subject to the confidentiality requirements of this Act, the department shall require and evaluate epidemiological reports of disease outbreaks and of individual cases of disease suspected or known to be of importance to the public health to establish the nature and magnitude of the hazards and to demonstrate the trends involved.

"(d) The department may make inspections and investigations as authorized by this Act and other law.

"ARTICLE 3. PREVENTION, REPORTING, AND INVESTIGATION
OF COMMUNICABLE DISEASE

"Section 3.01. PREVENTION. (a) The department may develop and maintain an ongoing program of health education for the prevention and control of communicable diseases.

"(b) The department may contract for mass media productions, outdoor display advertising, newspaper advertising, literature, bulletins, and pamphlets that are intended to increase the public awareness of individual actions needed to prevent and control communicable disease.

"(c) The department shall furnish the State Board of Education with recommendations and suggestions for the health curriculum in the public schools of the state.

"(d) The board shall develop the immunization requirements for the children in the state and shall:

"(1) cooperate with the Texas Board of Human Resources in formulating and implementing the immunization requirements for children admitted to child-care facilities; and

"(2) cooperate with the State Board of Education in formulating and implementing all immunization requirements for students admitted to public and private elementary or secondary schools.

"Section 3.02. CLASSIFICATION OF COMMUNICABLE DISEASE FOR REPORTING. (a) The board shall identify and classify each communicable disease and health condition that must be reported

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under this Act. The classification must be based on the nature of the disease or condition and the severity of its impact on the public health.

"(b) The board shall establish, maintain, and revise as necessary a list of reportable diseases.

"Section 3.03. REPORTING REQUIREMENTS. (a) Every physician, dentist, and veterinarian licensed to practice in this state shall report to the local health authority, after his first professional encounter, each patient or animal he examines having or suspected of having a reportable disease.

"(b) The local school authorities shall report to the local health authority those children attending school who are suspected of having a reportable disease. The board shall adopt rules establishing procedures for determining which children should be suspected and reported and procedures for their exclusion from school pending appropriate medical diagnosis or recovery.

"(c) If a case of a reportable disease has not been reported as required by Subsections (a) and (b) of this section, it is the duty of the following persons to notify the local health authority or the department and to provide all information known to them concerning any person who has or is suspected of having a reportable disease:

"(1) each professional, registered nurse;

"(2) each medical laboratory director;

"(3) each administrator or director of a public or private temporary or permanent child-care facility or day-care center;

"(4) each administrator or director of a nursing home, personal care home, maternity home, adult respite care center, or adult day-care center;

"(5) each administrator of a home health agency;

"(6) each superintendent or superintendent's designee of a public or private school;

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"(7) each administrator or health official of a public or private institution of higher learning;

"(8) each owner or manager of a restaurant, dairy, or other food handling or food processing establishment or outlet;

"(9) each superintendent, manager, or health official of a public or private camp, home, or institution;

"(10) each parent, guardian, or householder,

"(11) each health professional; and

"(12) each chief executive officer of a hospital.

"Section 3.04. GENERAL PROCEDURES FOR REPORTING COMMUNICABLE DISEASE. (a) Reports required under Section 3.03 of this Act shall be made to the health authority in the jurisdiction in which the individual or animal who has or is suspected of having the disease or condition is found.

"(b) Each health authority shall keep a record of each case of a disease or condition reported to him.

"Section 3.05. REPORTS OF DEATH DUE TO A COMMUNICABLE DISEASE. (a) If a physician knows or suspects that an individual he has attended during the individual's last illness has died of a reportable disease or a communicable or possibly epidemic disease that in the physician's judgment may be a threat to the public health, the physician shall immediately notify the health authority of the jurisdiction in which the death is pronounced or the department.

"(b) If either the attending physician or the health authority requires further information concerning the cause of death of an individual in order to protect the public health, the physician or the health authority may request that an autopsy be performed with the consent of the survivors. If there are no survivors or consent for an autopsy is withheld by the survivors, the health authority shall order an autopsy to determine the cause of death. The results of the autopsy shall be reported to the department.

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"(c) If either a justice of the peace acting as coroner or a county medical examiner in the course of an inquest under Chapter 49, Code of Criminal Procedure, 1965, determines that an individual's cause of death was a reportable disease or a communicable or possibly epidemic disease that in the coroner's or medical examiner's judgment may constitute a threat to the public health, the coroner or medical examiner shall immediately notify the health authority of the jurisdiction in which this finding was made or the department.

"Section 3.06. CONFIDENTIALITY OF REPORTS. Reports of diseases furnished to the health authority or the department are confidential and may be used only for the purpose of this Act. Reports of disease are not public information under Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-17a, Vernon's Texas Civil Statutes). Information contained in the reports of disease may be used for statistical and epidemiological studies that are public information as long as an individual is not identifiable.

"Section 3.07. INVESTIGATIONS. (a) The department shall investigate the causes of communicable diseases and methods of prevention.

"(b) In special circumstances, the department may require special investigations of certain specified cases of disease so that it may evaluate the status in this state of diseases of an epidemic, endemic, or sporadic nature. On request, each health authority shall provide the data according to the written instructions of the department.

"(c) The commissioner, the commissioner's designee, or a health authority designee may enter at reasonable times and inspect within reasonable limits a public place or building, including a public conveyance, in the performance of his duty to prevent or control the entry into or spread in the state of communicable disease by enforcing the provisions of this Act or the rules of the

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board adopted under this Act. In this section, 'a public place or building' means all or any portion of an area, a structure, or a conveyance, regardless of ownership, that is not used for private residential purposes.

"(d) Persons authorized to conduct investigations under this section may take samples or specimens of materials present on the premises, including samples or specimens of soil, water, air, unprocessed or processed foodstuffs, manufactured items of clothing, and household goods. If samples or specimens are taken, a corresponding sample shall be offered to the person in control of the premises for independent analysis. Persons securing the required samples and specimens may reimburse or offer to reimburse the owner for the materials taken, but the reimbursement may not exceed the actual monetary loss sustained by the owner.

"(e) The department may investigate the existence of communicable diseases in the state to determine the nature and extent of the diseases and to formulate and evaluate the control measures employed to protect the public health. For the purpose of the investigation, the department may administer oaths, summon witnesses, and compel the witness's attendance. The department may seek the assistance of a county or district court to compel the witness's attendance at a hearing for which the witness is summoned. A witness or deponent who is not a party and who is subpoenaed or otherwise compelled to appear at a hearing or proceeding under this section that is conducted outside the county in which the witness or deponent resides is entitled to receive a travel and per diem allowance to be set by rules adopted by the board. The allowance may not exceed the travel and per diem allowance authorized for state employees traveling in the state on official business.

"(f) For the purpose of investigation or inspection, the commissioner, employees of the department, and health authorities have the right of entry onto any land or into any building,

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vehicle, watercraft, or aircraft and access to any individual, animal, or object that is in isolation, detention, restriction, or quarantine regardless of whether the isolation, detention, restriction, or quarantine is instituted by the commissioner, employees of the department, or a health authority or is a voluntary isolation, detention, restriction, or quarantine undertaken on instructions from a private physician.

"ARTICLE 4. CONTROL OF COMMUNICABLE DISEASES

"Section 4.01. GENERAL PROVISIONS. (a) Unless specifically preempted by the board, a health authority has supervisory authority and control over the administration of communicable disease control measures in the area under the jurisdiction of the health authority, except that any control measures imposed by a health authority must be consistent with and equal to or more stringent than the control measure standards contained in rules adopted by the board.

"(b) A communicable disease control measure imposed by a health authority in the area under the jurisdiction of the health authority may be amended, revised, or revoked by the board if the board finds that the modification is necessary or desirable in the administration of a regional or statewide public health program or policy. A control measure imposed by the department may not be modified or discontinued until the department authorizes the action.

"(c) As used in this section, the term 'control measures' includes, but is not limited to:

- "(1)** immunization;
- "(2)** detention;
- "(3)** restriction;
- "(4)** disinfection;
- "(5)** decontamination;
- "(6)** isolation;
- "(7)** quarantine;

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"(8) disinfection; and

"(9) chemoprophylaxis.

"(d) The control measures may be imposed on an individual, animal, place, or object, as appropriate.

"Section 4.02. APPLICATION OF CONTROL MEASURES TO AN INDIVIDUAL. (a) If the department or health authority has reasonable cause to believe that an individual is ill with, has been exposed to, or is the carrier of a communicable disease, the department or health authority may order the individual or the individual's parent, legal guardian, or managing conservator, if the individual is not of legal age, to implement control measures that are reasonable and necessary to prevent the introduction, transmission, and spread of the disease in the state. All orders must be in writing and be delivered personally to the individual if the individual is of legal age or to the individual's parent, legal guardian, or managing conservator if the individual is not of legal age. In the absence of clinical or subclinical disease, the order is not effective after the disease is no longer communicable or after the longest usual incubation period for the suspected disease.

"(b) An individual may be quarantined if the individual or the individual's parent, legal guardian, or managing conservator, if the individual is not of legal age, fails or refuses to comply with the written orders of the department or health authority as required by Subsection (a) of this section and the individual is infected with or is reasonably suspected of being infected with a communicable disease that presents an immediate threat to the public health. The board shall identify communicable diseases that present a threat to the public health if not immediately controlled. The department or health authority may request a magistrate to issue a warrant. Based on the affidavit of the department or a health authority that the individual is infected with or is reasonably suspected of being infected with a

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communicable disease that presents an immediate threat to the public health, the magistrate may issue a warrant ordering a peace officer to take the individual into custody and to transport the individual to a hospital or other facility considered suitable by the commissioner. A jail or other similar detention facility may not be used unless the facility is specifically equipped and staffed to provide disease-control measures. The head of the hospital or other facility designated by the commissioner shall admit the individual and cooperate with the health authority and the department to implement control measures.

"(c) If the individual is not of legal age, the department or health authority issuing the warrant for detention shall immediately notify the individual's parent, legal guardian, or managing conservator by registered or certified mail or by personal service.

"(d) Without unnecessary delay, the individual or the parent, legal guardian, or managing conservator shall be taken before a magistrate of the county in which the individual is detained. The magistrate in clear language shall advise the individual or the parent, legal guardian, or managing conservator of the order that is alleged to have been violated. The individual or the parent, legal guardian, or managing conservator is entitled to representation by counsel should he so desire. The magistrate shall appoint counsel on request of an individual who cannot afford to retain private counsel. The county in which the individual resides shall pay all reasonable and necessary expenses of appointed counsel. If the individual is a nonresident of the state, the court shall certify the amount of the reasonable and necessary expenses of appointed counsel to the state comptroller of public accounts. The comptroller shall issue a warrant to the court-appointed attorney for the certified amount. On request by the department or health authority, a magistrate shall preside at the hospital or other facility where the individual is detained.

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The magistrate shall advise the individual that the individual will be released when he no longer presents a threat to the public health as determined by the health authority or the commissioner or on the granting of a writ of habeas corpus by a court of competent jurisdiction.

"(e) Except as prescribed by this subsection, an individual detained shall pay the expense of the required medical care and treatment. The medical expenses of an individual who is a resident of the state, is indigent and without the financial means to pay for part or all of the required medical care or treatment, and is not eligible for benefits under an insurance contract, group policy or prepaid health plan, or benefits provided by a federal, state, county, or municipal medical assistance program or facility shall be paid by the county or hospital district of the individual's residence. The medical expenses of a nonresident individual who is indigent and without the financial means to pay for part or all of the required medical care and treatment may be paid by the state to the extent that the individual is not eligible for benefits that will pay the expenses under an insurance contract, group policy or prepaid health plan, or benefits provided by a federal, state, county, or municipal medical assistance program. The provider of the medical care and treatment shall certify the reasonable amount of the required medical care to the state comptroller of public accounts. The comptroller shall issue a warrant to the provider of the medical care and treatment for the certified amount. The department may return a nonresident individual involuntarily hospitalized in this state to the program agency in the state in which the individual resides. The department may enter into reciprocal agreements with the proper agencies of other states to facilitate the return of individuals involuntarily hospitalized in this state.

"(f) An individual ordered admitted to a publicly supported hospital under this section may, at his option and at his own

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expense, choose to be hospitalized at a private or other proprietary hospital subject to the approval of the board or health authority.

"Section 4.03. APPLICATION OF CONTROL MEASURES TO OBJECTS.

(a) If the department or a health authority has reasonable cause to believe that an object in its jurisdiction is or may be infected or contaminated with a communicable disease, the department or health authority may tag the object for identification with a notice of possible infection or contamination and place the object in quarantine for the period of time necessary for a medical examination or technical analysis of the samples and specimens taken from the object to reveal either the absence or the presence of the suspected infection or contamination. The department or health authority shall send notice of its action by registered or certified mail to the person who owns or controls the object. If the object is found to be free from infection or contamination, the department or health authority shall remove the quarantine and release the object to the person who owns or controls it. If the object is found to be infected or contaminated, the department or health authority by written order may require the owner or person in control of the object to impose control measures that are technically feasible to restore the object to a noninfected or noncontaminated condition. If the control measures are effective, the department or health authority shall remove the quarantine and release the object to the person who owns or controls it. If the technically feasible control measures are ineffective or if there is no technically feasible control measure available for use, the department or health authority may continue the quarantine and order the person who owns or controls the object to destroy it in a manner that will render it noninfected or noncontaminated to prevent the spread of infection or contamination.

"(b) If a person fails or refuses to comply with the orders of the department or health authority as required by Subsection (a)

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of this section and the department or health authority has reason to believe that the object is or may be infected or contaminated with a communicable disease that presents an immediate threat to the public health, the department or health authority may petition the county or district court of the county in which the object is located to order the person who owns or controls the object to make necessary orders for the public health.

"(c) On the filing of a petition, the court may grant injunctive relief and make temporary orders that are necessary for the health and safety of the public.

"(d) The person who owns or controls the object shall pay all expenses of implementing control measures, court costs, storage, and other justifiable expenses. The court may require the person who owns or controls the object to execute a bond in an amount not to exceed the value of the noninfected or noncontaminated object to ensure the performance of any control measures, restoration, or destruction ordered by the court. This bond shall be returned to the person when the department or health authority informs the court that the object is no longer infected or contaminated or that the object has been destroyed.

"(e) If the court finds that the object is not infected or contaminated, it shall order the department or health authority to remove the quarantine tags and to release the object to the person who owns or controls it.

"(f) The department shall charge the person who owns or controls the object for the cost of any control measures performed by the department's employees. The department shall deposit the payments received under this section to the credit of the General Revenue Fund to be used for the administration of this Act. A health authority shall charge the person who owns or controls the object for the cost of any control measures performed by the health authority's employees. A health authority shall return payments received to each county, incorporated municipality, or other

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jurisdiction in an amount proportional to that jurisdiction's or entity's contribution to the quarantine and control expense.

"Section 4.04. APPLICATION OF CONTROL MEASURES TO LAND, STRUCTURES, ANIMALS, OR OTHER PROPERTY ON LAND. (a) If the department or health authority has reasonable cause to believe that a parcel of land in its jurisdiction or a structure, an animal, or other property on the land is or may be infected or contaminated with a communicable disease, the department or health authority may place the land or property in quarantine for the period of time necessary for medical examination or technical analysis of samples and specimens of materials taken from the land, structure, animal, or other property to reveal either the absence or presence of the suspected infection or contamination. The department or health authority shall send notice of its action by registered or certified mail to the person who owns or controls the land, structure, animal, or other property and shall post notice on the land and on the courthouse door. If the land, structure, animal, or other property is found to be free from infection or contamination, the department or health authority shall remove the quarantine and return control of the land or other property to the person who owns or controls the land or other property. If the land, structure, animal, or other property is found to be infected or contaminated, the department or health authority by written order may require the person who owns or controls the land to impose control measures that are technically feasible. If the control measures are effective, the department or health authority shall remove the quarantine. If the technically feasible control measures are ineffective or if there are no technically feasible control measures available for use, the department or health authority may continue the quarantine and may order the person who owns or controls the land to securely fence the perimeter of the land or any part of the land that is infected or contaminated. The department or health authority may also order the person to destroy

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any infected or contaminated structure, animal, or other property in a manner that will render it noninfected or noncontaminated to prevent the spread of infection or contamination or to securely seal off the infected or contaminated structure or other property to obstruct entry into the infected or contaminated areas until the quarantine is removed by the board or health authority.

"(b) If a person fails or refuses to comply with the orders of the department or health authority as required by Subsection (a) of this section and the department or health authority has reason to believe that the land, structure, animal or other property is or may be infected or contaminated with a communicable disease that presents an immediate threat to the public health, the department or health authority may petition the county or district court of the county or counties in which the land is located to make necessary orders for the public health.

"(c) On the filing of a petition, the court may grant injunctive relief and make temporary orders that are necessary for the health and safety of the public.

"(d) The person who owns or controls the land, structure, animal, or other property shall pay all expenses of implementing control measures, court costs, storage, and other justifiable expenses. The court may also require the person who owns or controls the land, structure, animal, or other property to execute a bond in an amount set by the court to ensure the performance of control measures, destruction, or restoration ordered by the court. This bond shall be returned to the person when the department or health authority informs the court that the land, structure, animal, or other property is no longer infected or contaminated or that the structure, animal, or other property has been destroyed.

"(e) If the court finds that the land, structure, animal, or other property is not infected or contaminated, it shall order the department or health authority to remove the quarantine and to

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release the land or other property to the person who owns or controls the land or property.

"(f) The department shall charge the person who owns or controls the land or property for the cost of any control measures performed by the department's employees. The department shall deposit the payments received under this section to the credit of the General Revenue Fund to be used for the administration of this Act. A health authority shall charge the person who owns or controls the land or property for the cost of any control measures performed by the health authority's employees. A health authority shall return payments received to each county, incorporated municipality, or other jurisdiction in an amount proportional to that jurisdiction's or entity's contribution to the quarantine and control expense.

"Section 4.05. AREA QUARANTINE. (a) If an outbreak of communicable disease occurs in the state, the commissioner, a health authority, or two or more health authorities whose jurisdictions lie wholly or partly within the affected region may impose an area quarantine to be coextensive with the respective affected geographical area or areas in which the health authority or health authorities have jurisdiction. As appropriate in this section, 'health authority' includes two or more health authorities acting under this subsection.

"(b) An area quarantine may not be imposed by a health authority unless the health authority has first:

"(1) consulted with and obtained the approval of the commissioner; and

"(2) consulted with and obtained the approval of the governing body of each county and incorporated municipality in the geographical area over which the health authority has jurisdiction and in whose jurisdiction the affected area is located.

"(c) In the absence of preemptive action by the board under the provisions of this Act or by the governor under the Texas

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Disaster Act of 1975 (Article 6889-7, Vernon's Texas Civil Statutes), the health authority may impose in the quarantine area under the health authority's jurisdiction the additional disease-control measures that the health authority determines are necessary and most appropriate to arrest, control, and eradicate the existing threat to the public health.

"(d) If the affected geographical area lies within the jurisdiction of this state and one or more adjoining states, the department may enter into cooperative agreements with the appropriate officials or agencies of the adjoining states for:

"(1) the exchange of morbidity, mortality, and other technical information;

"(2) the receipt of extrajurisdictional inspection reports;

"(3) the coordination of disease-control measures;

"(4) the dissemination of instructions to the population of the area, operators of interstate private and common carriers, and private vehicles in transit across state borders; and

"(5) the participation in other public-health activities appropriate to arrest, control, and eradicate the existing threat to the public health.

"(e) During the period of area quarantine, the department or health authority may employ all reasonable means of communication to inform persons present in the quarantine area of the orders and instructions of the board or health authority. The department or health authority shall publish at least once each week during the period of area quarantine, in a newspaper of general circulation in the area, a notice of the orders or instructions currently in force with a brief explanation of their meaning and effect. Notice by publication is sufficient notice to inform persons in the area of their rights, duties, and obligations under the orders or instructions.

"(f) An area quarantine may be terminated by the commissioner or with the commissioner's consent by a health authority.

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"Section 4.06. PRIVATE AND COMMON CARRIERS; PRIVATE CONVEYANCES. (a) This section applies to:

"(1) all private or common carriers and private conveyances, including a vehicle, an aircraft, and a watercraft operated solely in the jurisdiction of the state; and

"(2) all private or common carriers and private conveyances, including a vehicle, an aircraft, and a watercraft operated between one or more states of the United States or between the United States and one or more foreign nations while the vehicle or craft is in the jurisdiction of the state.

"(b) If the department or health authority has reasonable cause to believe that a private carrier, common carrier, or private conveyance has departed from or traveled through an area infected or contaminated with a communicable disease, the department or health authority may order the commander, captain, master, driver, or other authorized agent, owner, or operator to stop the carrier or conveyance under his control at a port of entry or a place of first landing or first arrival in the jurisdiction of the state. The department or health authority may require the commander, captain, master, driver, or other authorized agent, owner, or operator to provide a statement in a form approved by the board that includes information showing:

"(1) the details of any illness suspected of being communicable that occurred during the journey;

"(2) the details of any condition on board the carrier or conveyance during the journey that may lead to the spread of disease;

"(3) the details of any control measures that were imposed on the carrier or conveyance, its passengers or crew, or its cargo or any other object on board during the journey; and

"(4) any other information that is required by rules adopted by the board, including information on passengers and cargo manifests.

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"(c) If the department or health authority, after inspection, has reasonable cause to believe that a private carrier, common carrier, or private conveyance that has departed from or traveled through an infected or contaminated area is or may be infected or contaminated with a communicable disease, that its cargo, or a part of its cargo, or any other object on board is or may be infected or contaminated with a communicable disease, or that an individual on board has been exposed to, or is the carrier of, a communicable disease, the department or health authority may impose necessary, technically feasible control measures under the provisions of Section 4.02 or 4.03 of this Act to prevent the introduction and spread of communicable disease in the state.

"(d) The owner or operator of a private carrier, common carrier, or private conveyance placed in quarantine on the order of the department or health authority, or on the order of a county or district court under the provisions of Section 4.02 or 4.03 of this Act, shall bear the expense of the control measures employed to restore the private carrier, common carrier, or private conveyance to a noninfected or noncontaminated state. The department shall charge and be reimbursed for the cost of any control measures performed by the department's employees. The board shall deposit the reimbursements to the credit of the General Revenue Fund to be used for the administration of this Act. A health authority shall charge and be reimbursed for the cost of any control measures performed by the health authority's employees. A health authority shall return the reimbursements to each county, incorporated municipality, or other governmental entity in an amount proportional to that jurisdiction's or entity's contribution to the quarantine and control expense.

"(e) The owner or claimant of any part of the cargo or other object on board the private carrier, common carrier, or private conveyance shall pay the expense of the control measures employed in a manner prescribed by Section 4.03 of this Act. The cost of

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services rendered or provided by the board or health authority are subject to reimbursement under the procedure prescribed by Subsection (d) of this section.

"(f) A crew member, a passenger, or an individual on board the private carrier, common carrier, or private conveyance shall pay the expense of the control measures employed under the provision of Section 4.02 of this Act. The state may pay the expenses of an individual who is without the financial means to pay for part or all of the required medical care or treatment and who is not eligible for benefits under an insurance contract, group policy or prepaid health plan, or benefits provided by a federal, state, or local medical assistance program, as prescribed by Subsection (e) of Section 4.02 of this Act.

"(g) A private carrier, a common carrier, a private conveyance, cargo, a crew member, a passenger, or an individual, an animal, or object placed in quarantine under this section may not be removed or may not depart from the area of quarantine until permission for removal or departure is given by the department or health authority.

"(h) If the department or health authority has reasonable cause to believe that a private carrier, common carrier, or private conveyance is transporting cargo or any other object that is or may be infected or contaminated with a communicable disease through the state, the department or health authority may require that the cargo or object be transported in secure confinement or sealed within cars, trailers, holds, or compartments, as appropriate, that are secured on the order and instruction of the board or health authority.

"(i) If the department or health authority has reasonable cause to believe that a private carrier, common carrier, or private conveyance is transporting cargo or any other object that is or may be infected or contaminated with a communicable disease to an intermediate or ultimate destination in the state and the

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intermediate or ultimate destination cannot provide the necessary facilities, the department or health authority may require that the cargo or objects in transit be unloaded at an alternate location equipped with adequate investigative and disease-control facilities.

"(j) The department or health authority may proceed as authorized by Section 4.03 of this Act to investigate and, if necessary, quarantine the cargo or object and impose any required control measure.

"(k) If the department or health authority has reasonable cause to believe that a private carrier, common carrier, or private conveyance is transporting an individual who has been exposed to or is the carrier of a communicable disease, the department or health authority may require the individual, whether in transit through the state or in transit to an intermediate or ultimate destination in the state, to be isolated from other travelers and, together with his personal effects and baggage, to disembark at the first location equipped with adequate investigative and disease-control facilities. The department or health authority may proceed as authorized under Section 4.02 of this Act to investigate and, if necessary, isolate or involuntarily hospitalize the individual until discharge is approved by the department or health authority.

"ARTICLE 5. MISCELLANEOUS PROVISIONS

"Section 5.01. POWER TO SUSPEND HOSPITAL ADMISSIONS. Except for the constitutional and statutory requirements imposed on them to care for the needy or indigent residents of the county, city, or district in which they have jurisdiction, the commissioner's court of a county, the governing body of an incorporated municipality, and the governing body of a hospital district may suspend the admission of all patients desiring admission for elective care and treatment to provide isolation and quarantine facilities during an area quarantine.

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"Section 5.02. LIMITATION OF LIABILITY. Except in cases of wilful misconduct or gross negligence, a private individual performing his duties while complying with the orders or instructions of the department or health authority issued under this Act shall not be liable for the death of or injury to persons or damage to property.

"Section 5.03. EXEMPTION. This Act does not authorize or require the medical treatment of an individual who desires treatment by prayer or spiritual means as part of the tenets and practices of a recognized church of which the individual is an adherent or member, except that the individual may be isolated or quarantined in an appropriate facility and must obey the rules, orders, and instructions of the department or health authority while in isolation or quarantine. This exemption does not apply during an emergency or an area quarantine or after the issuance by the governor of an executive order or a proclamation under the Texas Disaster Act of 1975 (Article 6889-7, Vernon's Texas Civil Statutes) when the governor finds that a disaster has occurred or that the threat of disaster is imminent.

"ARTICLE 6. PROHIBITED ACTS

"Section 6.01. CONCEALING COMMUNICABLE DISEASE OR EXPOSURE TO COMMUNICABLE DISEASE. (a) A person commits an offense if the person knowingly conceals or attempts to conceal from the board, a health authority, or a peace officer, during the course of an investigation authorized by this Act, the fact that:

"(1) he has, has been exposed to, or is the carrier of a communicable disease that constitutes a threat to the public health; or

"(2) a minor child or incompetent adult of whom he is a parent, managing conservator, or guardian has, has been exposed to, or is the carrier of a communicable disease that constitutes a threat to the public health.

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"(b) An offense under this section is a felony of the third degree.

"Section 6.02. CONCEALING, REMOVING, OR DISPOSING OF AN INFECTED OR CONTAMINATED ANIMAL, OBJECT, VEHICLE, WATERCRAFT, OR AIRCRAFT. (a) A person commits an offense if the person knowingly conceals, removes, or disposes of an infected or contaminated animal, object, vehicle, watercraft, or aircraft that is the subject of an investigation by the board, a health authority, or a peace officer as authorized by this Act.

"(b) An offense under this section is a felony of the third degree.

"Section 6.03. REFUSING ENTRY. (a) A person commits an offense if the person knowingly refuses or attempts to refuse entry to the board, a health authority, or a peace officer presenting a valid search warrant to investigate, to inspect, or to take specimens or samples on any premises that are controlled by the person or an agent of the person acting on the person's instruction.

"(b) An offense under this section is a Class A misdemeanor.

"Section 6.04. VIOLATION OF COURT ORDERS REQUIRING CERTAIN CONTROL MEASURES. (a) A person commits an offense if the person knowingly refuses to perform or to allow the performance of certain control measures ordered by a health authority or the department under Sections 4.02 through 4.06 of this Act.

"(b) An offense under this section is a felony of the third degree.

"Section 6.05. EXPOSURE OF OTHERS TO COMMUNICABLE DISEASE. (a) A person commits an offense if:

"(1) the person attends or attempts to attend a public or private place or gathering where he will be brought into contact with others if the person knows he has a communicable disease that constitutes a threat to the public health; or

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"(2) the person is a parent, managing conservator, or guardian of a child or an incompetent adult and allows the child or incompetent adult to attend or attempt to attend a public or private place or gathering where the child or incompetent adult will be brought into contact with others if the person knows the child or incompetent adult has a communicable disease that constitutes a threat to the public health.

"(b) An offense under this section is a Class C misdemeanor.

"(c) This section does not apply if the individual is en route to or from a physician's office or medical facility and makes no intermediate stops that are not necessary to the individual's transportation.

"Section 6.06. REMOVAL, ALTERATION, OR DESTRUCTION OF QUARANTINE DEVICES. (a) A person commits an offense if the person knowingly or intentionally:

"(1) removes, alters, or attempts to remove or alter an object the person knows is a quarantine device in a manner that diminishes the device's effectiveness; or

"(2) destroys an object the person knows is a quarantine device.

"(b) An offense under this section is a Class B misdemeanor.

"Section 6.07. VIOLATIONS OF CERTAIN RULES, ORDERS, OR INSTRUCTIONS. (a) A person commits an offense if the person knowingly fails or refuses to obey a rule, order, or instruction of the board or an order or instruction of a health authority issued pursuant to a rule of the board and published during an area quarantine as required by Section 4.05 of this Act.

"(b) An offense under this section is a felony of the third degree.

"Section 6.08. TRANSPORTATION INTO THE STATE OF INFECTED OR CONTAMINATED OBJECTS; INFECTED OR CONTAMINATED PRIVATE CARRIERS, COMMON CARRIERS, OR PRIVATE CONVEYANCES. (a) A person commits an offense if, without first notifying the board or health authority

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at a port of entry or a place of first landing or first arrival in the state, the person knowingly or intentionally:

"(1) transports or causes to be transported into this state an object the person knows or suspects may be infected or contaminated with a communicable disease that constitutes a threat to the public health;

"(2) transports or causes to be transported into this state an individual whom the person knows has or is the carrier of a communicable disease that constitutes a threat to the public health; or

"(3) transports or causes to be transported into this state a person, an animal, or an object by means of a private carrier, common carrier, or private conveyance that the person knows is or suspects may be infected or contaminated with a communicable disease that constitutes a threat to the public health.

"(b) An offense under this section is a Class A misdemeanor unless the person acted with the intent to harm or defraud another, in which case, the offense is a felony of the third degree."

SECTION 2. The following statutes are repealed:⁹ Article 4419, Revised Statutes; Chapter 41, Acts of the 42nd Legislature, Regular Session, 1931 (Article 4419a, Vernon's Texas Civil Statutes); Chapter 26, Acts of the 43rd Legislature, 1st Called Session, 1933 (Article 4419b, Vernon's Texas Civil Statutes); Article 4420, Revised Statutes; Chapter 2, Title 71, Revised Statutes (Articles 4448-4464); Rules 1-33 and Rules 58-76, Article 4477, Revised Statutes; and Article 4477d, Revised Statutes.

SECTION 3.¹⁰ The following statutes are not affected by this Act: Article 4445, Revised Statutes; Chapter 548, Acts of the 51st Legislature, Regular Session, 1949 (Article 4445a, Vernon's Texas Civil Statutes); Chapter 537, Acts of the 61st Legislature, Regular Session, 1969 (Article 4445c, Vernon's Texas Civil Statutes); the

9. Vernon's Ann.Civ.St. arts. 4419 to 4419b, 4420, 4448 to 4464, 4477, rules 1 to 33, 58 to 76, 4477d, repealed.

10. Vernon's Ann.Civ.St. arts. 4445 note, 4445a note, 4445c note, 4477-6a note, 4477-11 note, 4477-12 note.

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Rabies Control Act of 1981 (Article 4477-6a, Vernon's Texas Civil Statutes); the Texas Tuberculosis Code (Article 4477-11, Vernon's Texas Civil Statutes); and Chapter 51, Acts of the 59th Legislature, Regular Session, 1965 (Article 4477-12, Vernon's Texas Civil Statutes).

SECTION 4. This Act takes effect September 1, 1983.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 14, 1983: Yeas 30, Nays 0; passed the House on May 13, 1983, by a non-record vote.

Approved May 27, 1983.

Effective Sept. 1, 1983.

**SCHOOLS AND SCHOOL DISTRICTS—BONDS—
REFUNDING**

CHAPTER 256

S. B. No. 1096

AN ACT

relating to refunding bonds of school districts and to an authorizing election if constitutionally required; amending Section 20.05, Texas Education Code.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 20.05, Texas Education Code, is amended¹¹ to read as follows:

"Section 20.05. REFUNDING BONDS. (a) In this section:

"(1) 'Bond' includes a bond, a note, or any other evidence of indebtedness.

11. V.T.C.A. Education Code, § 20.05.

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